

1 STEPHANIE M. HINDS (CABN 154284)
United States Attorney

2 THOMAS A. COLTHURST (CABN 99493)
3 Chief, Criminal Division

4 MICHAEL G. PITMAN (DCBN 484164)
5 Assistant United States Attorney
150 Almaden Boulevard, Suite 900
6 San Jose, CA 95113
Telephone: (408) 535-5040
7 Facsimile: (408) 535-5081
Email: michael.pitman@usdoj.gov

8 COREY J. SMITH (MABN 553615)
9 Senior Litigation Counsel
10 United States Department of Justice
Telephone: (202)514-5230
11 Email: corey.smith@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 CARLOS E. KEPKE,

20 Defendant.

Criminal No. 3:21-CR-00155-JD

PARTIES JOINT STATEMENT TO
THE COURT REGARDING THE
OCTOBER 20, 2022 HEARING TRANSCRIPT
AND ECF 110 AND 112

Hearing.: November 21, 2022
Time: 1:30 a.m.
Place: Courtroom 11, 19th Floor

22
23 The parties jointly recommend to the Court that regarding the October 20, 2022 hearing
24 transcript, ECF 110, that the transcript of the October 20, 2022 hearing should be unsealed EXCEPT,
25 the United States recommends that the portions of the hearing pertaining to Defendant's Motion for a
26 CIPA hearing (ECF 86) should remain sealed. Defendant does not join in this recommendation, and
27 instead recommends that only the portion of the transcript of the October 20, 2022 hearing pertaining to
28 the discussions with the Court regarding the payment of Defendant's legal fees should remain sealed.

1 The United States does not join in that recommendation.

2 With regard to ECF 112, the United States recommends that the entirety of that Order
3 remain sealed. The Defense does not join in that recommendation.

4 Unfortunately, the United States does not yet have a copy of the sealed portions of the
5 transcript from the October 20, 2022 hearing and cannot cite page and line of the relevant portions of the
6 transcript.

7 Counsel for the government represents to the Court that I have conferred with counsel for
8 the Defendant on this Notice and that it represents both parties' recommendations.

9
10 Date: November 9, 2022

11 STEPHANIE M. HINDS
12 United States Attorney

13 s/ Corey J. Smith
14 COREY J. SMITH
15 Senior Litigation Counsel
16 Tax Division
17 MICHAEL G. PITMAN
18 Assistant United States Attorney
BORIS BOURGET
Trial Attorney
Tax Division
Attorneys for United States of America

19 — — —
20
21
22
23
24
25
26
27
28